

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**A. J. RINELLA & Co., INC.,**

**Plaintiff,**

**v.**

**05-CV-O667  
(GLS/DRH)**

**TIMOTHY BARTLETT AND NANCY BARTLETT,  
individually and doing business under  
the assumed name M. FERRIS & SONS,**

**Defendants.**

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**APPEARANCES:**

**OF COUNSEL:**

**FOR THE PLAINTIFF:**

Office of John T. Keenan, III  
600 Broadway  
3rd Floor  
Albany, NY 12207

JOHN T. KEENAN, III., ESQ.

**FOR THE DEFENDANTS:**

Timothy Bartlett  
549 E. Main Avenue  
North Adams, MA 01247

No appearance

Nancy Bartlett  
549 E. Main Avenue  
North Adams, MA 01247

No appearance

**Gary L. Sharpe  
U.S. District Judge**

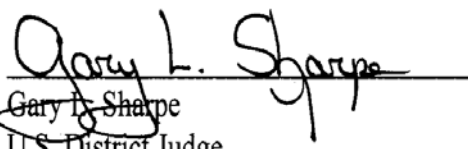
On June 14, 2005, a telephone conference was held on this Order to Show Cause on an application for a Temporary Restraining Order and/or preliminary Injunction. Defendants, having been notified of the hearing and electing not to appear, are enjoined from selling, transferring, liquidating, encumbering or otherwise dissipating the assets of M. Ferris & Sons, or from otherwise applying the proceeds thereof toward M. Ferris & Sons business creditors before they satisfy Rinella's beneficial interest in the Perishable Agricultural Commodities Act (PACA) trust.

WHEREFORE, it is hereby

**ORDERED**, that defendants, Timothy Bartlett and Nancy Bartlett, doing business under the assumed name M. Ferris & Sons, are enjoined from selling, transferring, liquidating, encumbering or otherwise dissipating the assets of M. Ferris & Sons, or from otherwise applying the proceeds thereof toward M. Ferris & Sons business creditors before they satisfy Rinella's beneficial interest in the Perishable Agricultural Commodities Act (PACA) trust; and it is further

**ORDERED**, that the Clerk of the Court serve a copy of this Order upon the parties.

Dated: June 21, 2005  
Albany, New York

  
Gary L. Sharpe  
U.S. District Judge